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To: [All of Court Administrators \(EOIR\)](#); [All of Judges \(EOIR\)](#); [All of OCIJ HDO \(EOIR\)](#); [All of OCIJ JLC \(EOIR\)](#); [BIA ATTORNEYS \(EOIR\)](#); [BIA BOARD MEMBERS \(EOIR\)](#); [EOIR Library \(EOIR\)](#); [BIA SUPPORT \(EOIR\)](#); [BIA TEAM P \(EOIR\)](#); [Butler, Vicki A. \(EOIR\)](#); [Carr, Donna \(EOIR\)](#); [King, Jean \(EOIR\)](#); [OGC \(EOIR\)](#); [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Alder Reid, Lauren \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [Cowles, Jon \(EOIR\)](#); [Bauder, Melissa \(EOIR\)](#); [Korniluk, Artur \(EOIR\)](#); [Adams, Amanda \(EOIR\)](#); [Pease, Jeffrey \(EOIR\)](#)
Cc: [Rose, Karen \(EOIR\)](#); [Atkinson, Pamela \(EOIR\)](#)
Subject: Matter of NEGUSIE, 27 I&N Dec. 347 (BIA 2018)
Date: Thursday, June 28, 2018 2:55:20 PM

The above precedent decision can be found in Volume 27 at page 347. The link to the decision is:

Intranet:

<https://eoirnet/sites/eoir/OP/VLL/PrecedentDecisions/3930.pdf>

- (1) An applicant who is subject to being barred from establishing eligibility for asylum or withholding of removal based on the persecution of others may claim a duress defense, which is limited in nature.
- (2) To meet the minimum threshold requirements of the duress defense to the persecutor bar, an applicant must establish by a preponderance of the evidence that (1) he acted under an imminent threat of death or serious bodily injury to himself or others; (2) he reasonably believed that the threatened harm would be carried out unless he acted or refrained from acting; (3) he had no reasonable opportunity to escape or otherwise frustrate the threat; (4) he did not place himself in a situation in which he knew or reasonably should have known that he would likely be forced to act or refrain from acting; and (5) he knew or reasonably should have known that the harm he inflicted was not greater than the threatened harm to himself or others.

KRYSTAL BRACKETT

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